

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08	MATTHEW SILVA,	)	Case No. C05-471-RSM-JPD
		)	
09	Plaintiff,	)	
		)	ORDER GRANTING EXTENSION OF
10	v.	)	DISCOVERY DEADLINE AND RE-
		)	NOTING MOTIONS FOR SUMMARY
11	JOSEPH WOODS,	)	JUDGMENT
		)	
12	Defendant.	)	
		)	

Plaintiff is proceeding pro se and in forma pauperis in this 42 U.S.C. § 1983 action. The defendant in this case has filed a motion to extend the discovery deadline. Dkt. No. 33. Plaintiff does not oppose the motion. Having reviewed defendant's motion, supporting documents, and the balance of the record, the Court ORDERS as follows:

(1) Defendant's motion to extend the discovery deadline, Dkt. No. 33, is GRANTED. Federal Rule of Civil Procedure 16(b)(6) provides for the modification of a scheduling order upon a "showing of good cause" by the moving party. Fed. R. Civ. P. 16(b)(6). The Court may modify the pretrial schedule "if it cannot reasonably be met despite the diligence of the party seeking the extension." Fed. R. Civ. P. 16, Advisory Committee Notes (1983 Amendment).

Here, defendant has shown good cause for granting an extension of the discovery deadline. Plaintiff was scheduled to be deposed at the Washington Corrections Center in Shelton, Washington (the "Shelton Prison") on December 2, 2005. Dkt. No. 34 at ¶ 5, Attach


01 A. This was the deadline for conducting discovery. Dkt. No. 26. However, when defense  
02 counsel arrived at the Shelton Prison to conduct the deposition, he was informed that plaintiff  
03 had been moved to the Airway Heights Correction Center in Spokane, Washington (the  
04 “Spokane Prison”) two days earlier. Dkt. No. 34 at ¶ 6. Neither defendant nor the Court had  
05 been advised of the transfer prior to that date. *Id.* Hence, despite his diligence, defendant has  
06 been unable to comply with the Court’s scheduling order. Defendant has therefore shown  
07 good cause to justify extension of the discovery deadline.

08 The deadline to conduct discovery shall be extended until **February 2, 2006**. Service  
09 of responses to interrogatories and to requests to produce, and the taking of depositions shall  
10 be completed by this date. Federal Rule of Civil Procedure 33(a) requires answers or  
11 objections to be served within thirty (30) days after service of the interrogatories. The  
12 serving party, therefore, must serve his/her interrogatories at least thirty (30) days before the  
13 deadline in order to allow the other party time to answer. The parties are advised that any  
14 responses to the motions must be filed consistent with the dates set forth in Local Rule 7.

15 Any supplemental briefing on summary judgment or cross motions for summary  
16 judgment shall be filed no later than **February 10, 2006**, and any replies not later than  
17 **February 17**. The motions will be RE-NOTED for **February 17, 2006**.

18 (2) The Clerk is directed to send a copy of this Order to plaintiff, counsel for  
19 defendant, and to the Honorable Ricardo S. Martinez.

20 DATED this 15th day of December, 2005.

21   
22 JAMES P. DONOHUE  
23 United States Magistrate Judge  
24  
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